

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.23696 OF 2005

Dated 10th November 2005

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Between:

T.S.Charyulu, Occ: Conductor

...Petitioner

And

The Depot Manager, APSRTC,
Khammam, Khammam District.

...Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.23696 OF 2005

ORDER:

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The petitioner is working as a conductor in Khammam Depot of APSRTC. Disciplinary proceedings were initiated against him, alleging certain irregularities, in the matter of issuance of tickets. On the basis of the report submitted by the enquiry officer,

a show-cause notice, dated 15.9.1993, was issued. In this, the punishment of stoppage of two annual increments, with cumulative effect, was straight away imposed, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. Hence, this writ petition.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent.

The respondent followed a peculiar procedure, in the disciplinary proceedings initiated, against the petitioner. An enquiry was conducted, and on the basis of the report submitted by the enquiry officer, the respondent has, straight away, inflicted the punishment of stoppage of two annual increments, with cumulative effect. However, he has chosen to issue a show-cause notice, in relation to the period of suspension. Therefore, it clearly emerges that the punishment of stoppage of increments, with cumulative effect, was inflicted on the petitioner, without issuing any show-cause notice, after the departmental enquiry was conducted. When the respondent himself recognized the necessity to issue a show-cause notice, as to how the period of suspension must be treated, as not on duty, he ought to have followed the same procedure, before inflicting the punishment of stoppage of increments, that too, with cumulative effect.

Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly 12 years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of two annual increments, with cumulative effect, shall be treated as the one, without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, up to the date of this order, on account of the modification of the punishment.

The writ petition is accordingly disposed of. There shall be no order as to costs.

10th November 2005

